

**Notice of Allowability**

Application No.

10/686,174

Examiner

Tuan C To

Applicant(s)

CAWTHORNE ET AL.

Art Unit

3663

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/23/2004.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 14 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Supervisory Patent Examiner  
GROUP 2600

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

This communication is an Examiner's reasons for allowance in response to application filed on 10/14/2003, assigned serial 10/686,174 and titled "Method for Adjusting Battery Power Limits in a Hybrid Electric Vehicle to Provide Consistent Launch Characteristics."

The following is the Examiner's statement of reasons for the indication of allowable subject matter:

The Ex parte Quayle action that mailed on 07/01/2004 indicated that the present application was allowable except for the deficiency in the specification. The applicant's amendment to the specification indicates that error has now been corrected, therefore, the application is now set in a condition for allowance.

During searching the examiner has found none of the references, either alone or in a combination, teaches or suggests the limitations as claimed by the applicant. It is found that there are some prior art are relevant to the Gas-Electric vehicle or hybrid vehicle in which the battery, the charging and discharging states were taught. For example, in the Nakayama et al. patent, the state of charging and discharging of a hybrid vehicle is quickly controlled, and the generator discussed in the patent as represented in the patent for charging the battery, a motor for driving a vehicle and performing discharging the battery. In the Nakayama et al. patent, a controller was provided for controlling charging/discharging the battery as the following: "the charge/discharge controller controls charge/discharge with respect to the battery such that the state of charge of the temperature of the battery is a temperature exceeding a

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predetermined temperature". The examiner has found that Nakayama et al. do not disclose such the limitations as claimed. The reference to Mizuta et al discloses a system and method for indicating the battery states of a hybrid vehicle. For example, figure 3 of Mizuta et al. shows a graph representing a condition of the battery current change depending on the running condition of the hybrid vehicle. However, Mizuta et al. do not disclose a wide limit mode or setting a wide limit mode discharging power limit when the wide limit mode is active that is greater than the discharge power limit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

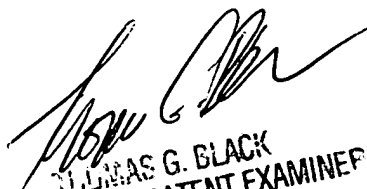
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October 25, 2004

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3822